

COMMISSIONER'S BULLETIN # B-0016-17

August 26, 2017

To: ALL INSURANCE COMPANIES, CORPORATIONS, EXCHANGES, MUTUALS, RECIPROCALLS, ASSOCIATIONS, LLOYDS, OR OTHER INSURERS WRITING PROPERTY AND CASUALTY INSURANCE IN THE STATE OF TEXAS; AGENTS AND REPRESENTATIVES; AND THE PUBLIC GENERALLY

Re: Hurricane Harvey – Credit Scoring and Credit Information

Governor Greg Abbott issued a proclamation declaring a disaster due to the effects of Hurricane Harvey. The proclamation directs that all necessary measures, both public and private, as authorized under §418.017 of the Texas Government Code, be implemented to meet that threat.

President Donald Trump issued a major disaster declaration and ordered federal aid to supplement state and local recovery efforts in the area affected by Hurricane Harvey.

With the possible relocation of hurricane victims and other personal hardships sustained by residents of counties covered in the governor's proclamations, the Texas Department of Insurance reminds carriers of their obligations under §559.103 of the Texas Insurance Code. These obligations apply to the writing of personal insurance in this state, including the writing of personal insurance for Texas residents affected by the hurricane.

Section 559.103 allows an insurer to grant an exception to an insurer's rates, rating classifications, or underwriting rules for an applicant for insurance coverage or an insured for an extraordinary event. The section also requires that an insurer provide reasonable exceptions for a consumer whose credit information has been directly influenced by a catastrophic illness or injury; by the death of a spouse, child, or parent; by temporary loss of employment; by divorce; or by identity theft, on written request from an applicant for insurance coverage or an insured. The insurer may consider only credit information not affected by the event or shall assign a neutral credit score.

The Texas Department of Insurance urges insurers to avoid placing additional burdens on victims or evacuees of Hurricane Harvey and encourages insurers to accept verbal requests in lieu of written as stated in §559.103.

Section 559.103 applies to personal insurance, which includes personal automobile, residential property, residential fire and allied lines insurance policies; or a noncommercial insurance policy covering a boat, personal watercraft, snowmobile, or recreational vehicle.

Questions regarding this bulletin may be directed to the Property and Casualty Actuarial Office at (512) 676-6700, or by email to PCActuarial@tdi.texas.gov.

For more information contact: PCActuarial@tdi.texas.gov

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Texas Department of Insurance
333 Guadalupe, Austin, TX 78701
P.O. Box 149104, Austin, TX 78714
512-676-6000 | 1-800-578-4677

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